

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**BARBARA E. HERNDON**

**PLAINTIFF**

**vs.**

**CIVIL ACTION NO.: 3:08-CV-21-WAP-DAS**

**COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

Upon consideration of the record of this action, the court finds that the Report and Recommendations of the United States Magistrate Judge dated September 14, 2009, was on that date duly filed and the parties notified; that more than ten days have elapsed since notice of said Report and Recommendations; and that no objection thereto has been filed or served by any party. The Court is of the opinion that the Report and Recommendations should be approved and adopted as the opinion of the court. It is, therefore, **ORDERED**:

1. That the Report and Recommendations of the United States Magistrate Judge dated September 14, 2009, be, and it is hereby, approved and adopted as the opinion of the court, and that the proposed findings of fact and conclusions of law therein set out be, and there are hereby, adopted as the findings of fact and conclusions of law of the court.

2. That the plaintiff's motion for payment of attorney's fees under the EAJA (# 32) is hereby **GRANTED**, and the Commissioner shall pay the plaintiff's attorney \$11,300.09 in attorney's fees.

SO ORDERED, this, the 30<sup>th</sup> day of October, 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE